

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

-v-

BENITO DEL ROSARIO,

Defendant.

12-CR-81 (PAE)

ORDER

PAUL A. ENGELMAYER, District Judge:

On February 14, 2014, defendant Benito Del Rosario was sentenced principally to a term of imprisonment of 292 months. Dkt. 78.

On January 2, 2024, Del Rosario filed a motion requesting that the Court consider a sentence reduction pursuant to Amendment 821 to the Sentencing Guideline, which went into effect on November 1, 2023 and applies retroactively. Dkt. 117. The United States Probation Department has issued a report indicating that Del Rosario is not eligible for a sentence reduction. Dkt. 118.

The Court has considered the record in this case, and the submissions on this motion of the defendant, Dkt. 117, and the Probation Department, Dkt. 118.

The Court finds that Del Rosario is ineligible for a reduction of sentence because, as explained by the Probation Department, he does not meet the eligibility criteria of Amendment 821. The Court therefore denies Del Rosario's motion, and his accompanying motions for appointment of counsel and for the production of medical records to be used in support of his motion for relief under Amendment 821.

The Clerk of Court is requested to terminate the motions at 117 and to mail a copy of this order to Del Rosario at the below address:

Benito Del Rosario
Reg. No. 65645-054
FCI Fort Dix
Federal Correctional Institution
P.O. Box 2000
Joint Base MDL, NJ 08640

SO ORDERED.



PAUL A. ENGELMAYER
United States District Judge

Dated: February 12, 2024
New York, New York